

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Nnodi H.,

File No. 18-cv-01986 (ECT/TNL)

Petitioner,

v.

Kevin McAleenan, Acting Secretary of  
Homeland Security; William P. Barr,  
Attorney General of the United States;  
Leslie Tritten, ICE Field Office Director;  
and Kurt Freitag, Freeborn County Sheriff,

**AMENDED  
ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Respondents.<sup>1</sup>

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The Court has received the May 24, 2019 Report and Recommendation of United States Magistrate Judge Tony N. Leung. ECF No. 39. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 39] is **ACCEPTED**;
2. The Petition for a Writ of Habeas Corpus [ECF No. 1] is **DENIED** as **MOOT**; and

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<sup>1</sup> Acting Secretary of Homeland Security Kevin McAleenan is substituted as the Secretary of Homeland Security, and St. Paul Immigration and Customs Enforcement Field Office Director Leslie Tritten is substituted for her predecessor Scott Baniecek because a “[public] officer’s successor is automatically substituted as a party” and “[l]ater proceedings should be in the substituted party’s name.” Fed. R. Civ. P. 25(d).

3. The above-captioned action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 25, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court